

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES
AND LIABILITY LITIGATIONS**

Master Docket No. 3:16-md-02738 (FLW)

Honorable Freda L. Wolfson

This document relates to:

BARBARA MIHALICH, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

JOHNSON & JOHNSON and JOHNSON
& JOHNSON CONSUMER
COMPANIES, INC.,

Defendants.

Case No.: 3:16-cv-06695 (FLW)

**JOINT STIPULATION AND REQUEST FOR ENTRY OF FINAL JUDGMENT;
AND [PROPOSED] ORDER**

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and Johnson & Johnson Consumer Inc.*

JOINT STIPULATION

Plaintiff Barbara Mihalich and Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc. (collectively “J&J,” and together with Plaintiff, the “Parties”) jointly stipulate and request that the Court dismiss the *Mihalich* consumer class case (Case No. 3:16-cv-06695-FLW-LHG) on the same basis that the Court dismissed the *Estrada* consumer class case (ECF Nos. 50, 51, Case No. 3:16-cv-07492-FLW-LHG), as set forth below.

WHEREAS, on July 14, 2017, the Court dismissed with leave to amend the First Amended Complaint in *Estrada*, concluding that Plaintiff Mona Estrada did not allege any injury in fact and “lacks standing to bring suit.” Case No. 3:16-cv-07492-FLW-LHG, ECF Nos. 50 (Opinion), 51 (Order Granting Motion to Dismiss);

WHEREAS, on August 9, 2017, Plaintiff Estrada filed a Request for Entry of Final Judgment, stating that she did not intend to amend her complaint and requesting that the Court enter a final judgment “so that the time for Plaintiff to appeal the Court’s Order begins to run.” *Id.*, ECF No. 52;

WHEREAS, on August 10, 2017, the Court ordered that the *Estrada* case be dismissed and that the matter be closed. *Id.*, ECF No. 53;

WHEREAS, per the Court’s instruction, the Parties have considered the similarities and differences (if any) between California and Illinois law on the relevant issues and have reviewed Ms. Mihalich’s claims under Illinois law in light of the Court’s reasoning and ruling in *Estrada*;

WHEREAS, although Plaintiffs disagree with the Court’s reasoning and ruling in *Estrada*, given the substantial similarities between the facts and allegations in *Estrada* and *Mihalich* the Parties expect and agree that if the Court applies the same reasoning as it did in *Estrada* it would conclude that Ms. Mihalich likewise cannot allege any injury in fact and lacks

standing to bring suit.

WHEREAS, Plaintiffs Estrada and Mihalich reserve the right to appeal the Court's rulings dismissing their complaints for failure to allege any injury in fact;

WHEREAS, to save the resources of the Court and the Parties in re-briefing this issue in *Mihalich*, and in the interest of efficiency, the Parties jointly request that the *Mihalich* case—the only other consumer class case pending before the Court as part of *In re Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigations*—be dismissed for the same reasons as set forth the Court's opinion in *Estrada* (ECF No. 50) and that the matter be closed.

NOW, THEREFORE, the Parties hereby stipulate and request that the Court:

1. Dismiss the *Mihalich* consumer class case (Case No. 3:16-cv-06695-FLW-LHG) on the basis that Plaintiff Mihalich does not allege any injury in fact and lacks standing to bring suit; and
2. Enter final judgment in *Mihalich* and order that the matter be closed.

IT IS SO STIPULATED.

Dated: September 27, 2017

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[PROPOSED] ORDER

THIS MATTER having come before the Court upon the joint stipulation and request by Plaintiff Barbara Mihalich and Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc., and the Court having considered the stipulation and request and for good cause shown,

IT IS on this 28th day of September, 2017, ORDERED

1. The *Mihalich* consumer class case, Case No. 3:16-cv-06695-FLW-LHG, is **DISMISSED WITH PREJUDICE** on the basis that Plaintiff Mihalich does not allege any injury in fact and lacks standing to bring suit; and
2. The *Mihalich* matter be **CLOSED**.

Dated:

freda l. wolfson
The Honorable Freda L. Wolfson
United States District Judge